

IN RE: PETITION FOR VARIANCE
NE/S Walnut Street, 115' SE of
Woodlawn Drive
(6412 Walnut Street)
2nd Election District
2nd Councilmanic District
Pramod Datta
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-401-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owner of the subject property, Pramod Datta. The Petitioner requests relief from Section 1802.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 10 feet each in lieu of the minimum required 25 feet and a rear yard setback of 20 feet in lieu of the required 30 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Jitender K. Datta. There were no Protestants.

Testimony indicated that the subject property, known as 6412 Walnut Street, consists of 0.11 acres, zoned D.R. 16 and is currently vacant. Said property is located within the subdivision known as Broad-acres which was developed with 25-foot wide lots. Testimony indicated that the subject property is part of a "double lot" consisting of Lots 96 through 99 which the Petitioner purchased approximately four months ago. At that time, Lots 98 and 99 of the property were improved with a dwelling in very poor condition. The Petitioner renovated that dwelling, known as 6410 Walnut Street, and plans to either sell or rent the property. That property was the subject of Case No. 93-402-A in which the Petitioner was granted a variance to permit side yard setbacks of 10 feet each for the

existing dwelling. The Petitioner now seeks to develop Lots 96 and 97 with a single family dwelling. Testimony indicated that the property's zoning classification permits its development with townhouse dwelling units. The Petitioner proposes instead to subdivide the property in accordance with Petitioner's Exhibit 1 and construct a single family dwelling thereon. However, due to the narrow width of the lots in question, the requested variances are necessary in order to develop the property as proposed. Testimony indicated the Petitioner has spoken with the adjoining property owners who are very happy with the improvements made to the adjoining property and have no objections to the relief requested in the instant matter.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

- 2 -

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the relief requested is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of June, 1993 that the Petition for Variance requesting relief from Section 1802.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 10 feet each in lieu of the minimum required 25 feet and a rear yard setback of 20 feet in lieu of the required 30 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) In accordance with the Zoning Plans Advisory Committee comments submitted by the Department of

- 3 -

Environmental Protection and Resource Management (DEPRM) dated June 9, 1993, a 25-foot buffer from the centerline of the stream to the rear of the subject property must be maintained.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 6/23/93
By CBP

ORDER RECEIVED FOR FILING

Date 6/23/93
By CBP

ORDER RECEIVED FOR FILING

Date 6/23/93
By CBP

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

June 23, 1993

(410) 887-4386

Mr. Pramod Datta
7820 Main Falls Circle
Baltimore, Maryland 21228

RE: PETITION FOR VARIANCE
NE/S Walnut Street, 115' N of Woodlawn Drive
(6412 Walnut Street)
2nd Election District - 2nd Councilmanic District
Pramod Datta - Petitioner
Case No. 93-401-A

Dear Mr. Datta:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco

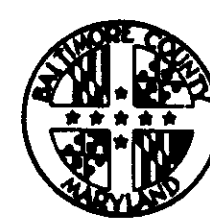
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Jitender K. Datta
3601-1/2 Milford Mill Road, Baltimore, Md. 21244

People's Counsel

file



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6412 WALNUT STREET
which is presently zoned D.R. 16

The Petitioner shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1

To allow side yard setback of 10ft. each & a rear yard setback of 20 ft. in lieu of the minimum required 25 ft. & 30 ft. respectively.

THE EXISTING PROPERTY IS D.R. 16, ITS WIDTH IS 100' AND THERE IS EXISTING DWELLING AS SHOWN ON THE PLAT. WITH THESE PARAMETERS IT IS NOT PRACTICABLE TO USE IT AS TOWN HOUSES. WE REQUEST THAT WE SHOULD BE ALLOWED TO SUB DIVIDE IT AS TWO INDIVIDUAL HOUSES. AND THE REQUIREMENT OF 95' AS SIDE YARD BE REDUCED TO 10'.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zip

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zip

With the necessary checks and others, under the penalty of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

PRAMOD DATTA

(Type or Print Name)

Signature

Address

City

State

Zip

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zip

Attorney for Petitioner:

(Type or Print Name)

Signature

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Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zip

Attorney for Petitioner:

receipt

Account: R-001-6190

Item Number 410

Taken in by: JDP

Date 5-14-93

Pramod Datta

6412 Walnut St.

010 - Variance \$50.00

080 - Sign + Posting 35.00

Total \$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



93-401

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Case No.: Item No.: 410

Petitioner:

LOCATION:

PLEASE FORWARD ADVERTISING BILL TO:

NAME: PRAMOD DATTA

ADDRESS: 3601 1/2 MILFORD MILL ROAD

BALTIMORE, MD. 21244

PHONE NUMBER: (410) 521-5000

AJ:ggg
(Revised 3/29/93)

TO: PERDENT PUBLISHING COMPANY
5/27/93 Issue - Jeffersonian

Please forward billing to:

Perdent Data
3622 1/2 Milford Mill Road
Baltimore, Maryland 21244
(410) 521-5000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-401-A (Item 410)

6412 Walnut Street

NE/S Walnut Street, 115' SE of Woodlawn Drive

2nd Election District - 2nd Councilmanic

Petitioner(s): Pramod Datta

HEARING: WEDNESDAY, JUNE 16, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow side yard setback of 10 feet each with a rear yard setback of 20 feet in lieu of the minimum required 25 feet each and 30 feet, respectively.

Lawrence E. Schmidt
Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

MAY 20 1993

(410) 887-3353

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Carl Jablon

ARNOLD JABLON
Director

cc: Pramod and Jitender Datta

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 11, 1993

Mr. Pramod Datta
7820 Main Falls Circle
Baltimore, MD 21228

RE: Case No. 93-401-A, Item No. 410
Petitioner: Pramod Datta
Petition for Variance

Dear Mr. Datta:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate that all appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on May 14, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: June 11, 1993
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:hak
Enclosures
cc: Jitender K. Datta
3601 1/2 Milford Mill Rd.
Baltimore, MD 21244

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 28, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer
Development Plan Review RWB/DAR

RE: Zoning Advisory Committee Meeting
for June 1, 1993
Item No. 410

The Development Plan Review Section has reviewed the subject zoning item. We have no comment on the variances requested; however, it appears that a public sewer main extension may be required prior to issuance of a building permit.

RWB/DAR



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 93-401-A (JTS)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

INTER-OFFICE CORRESPONDENCE

DATE: June 3, 1993

SUBJECT: 6412 Walnut Street

INFORMATION:

Item Number: 410

Petitioner: Pramod Datta

Property Size:

Zoning: D.R. 16

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

Should the applicant's request be granted, staff recommends that approval of the request be subject to a condition that any improvement be generally compatible with the built environment of the neighborhood.

Prepared by:

Division Chief:

PK/JL:lw

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

June 9, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #410, Datta Property
6412 Walnut Street
Zoning Advisory Committee Meeting of May 24, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

A Buffer of 25 feet must be applied from the center of the stream located to the rear of this parcel of land.

JLP:sp

DATA/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Zoning Advisory Committee

Date **May 26, 1993**

FROM Captain Jerry Pfeifer
Fire Department

SUBJECT_____Comments for 06/01/93 Meeting

Item 371 No Comments

Item 406 No Comments

Item 407 No Comments

Item 408 No Comments

Item 409 No Comments

Item 410 Building shall be built in accordance with the 1991 Life Safety Code.

Item 411 No Comments

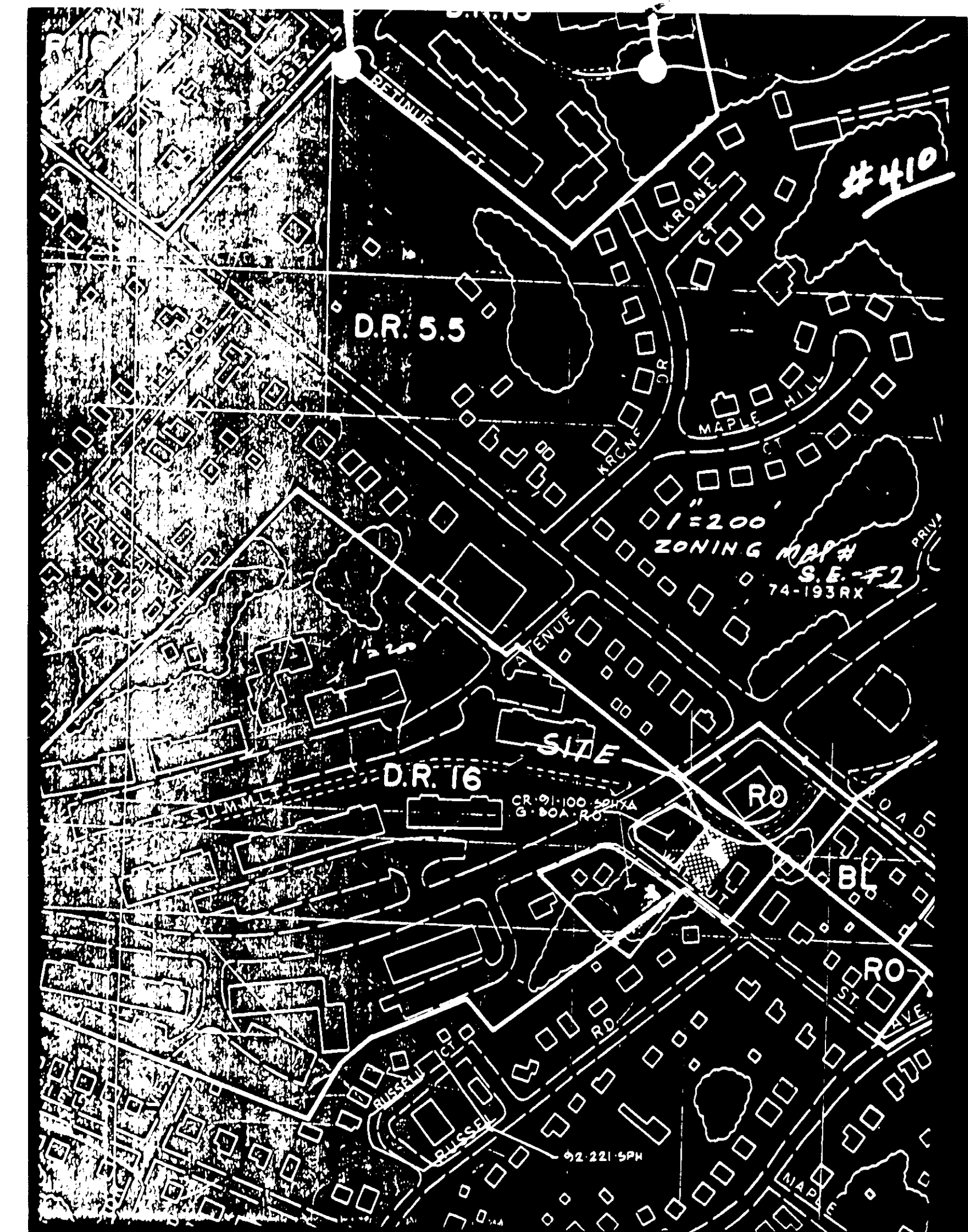
Item 412 No Comments

Item 413 No Comments

Item 415 If the building the canopy is attached to is sprinklered and the area under the canopy is to be used for storage, then the canopy would have to be sprinklered.

JP/dmc

RECEIVED
MAY 27 1993
ZADM



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

VICINITY MAP

SCALE: 1" = 200'

COUNCILMANIC DISTRICT:	2
ELECTION DISTRICT:	2
1" = 200' SCALE MAP:	SE-F2
ZONING:	D.R.-16
LOT SIZE: 0.11 ACRES,	4693 SQUARE FEET

CHESAPEAKE BAY CRITICAL AREA: NO

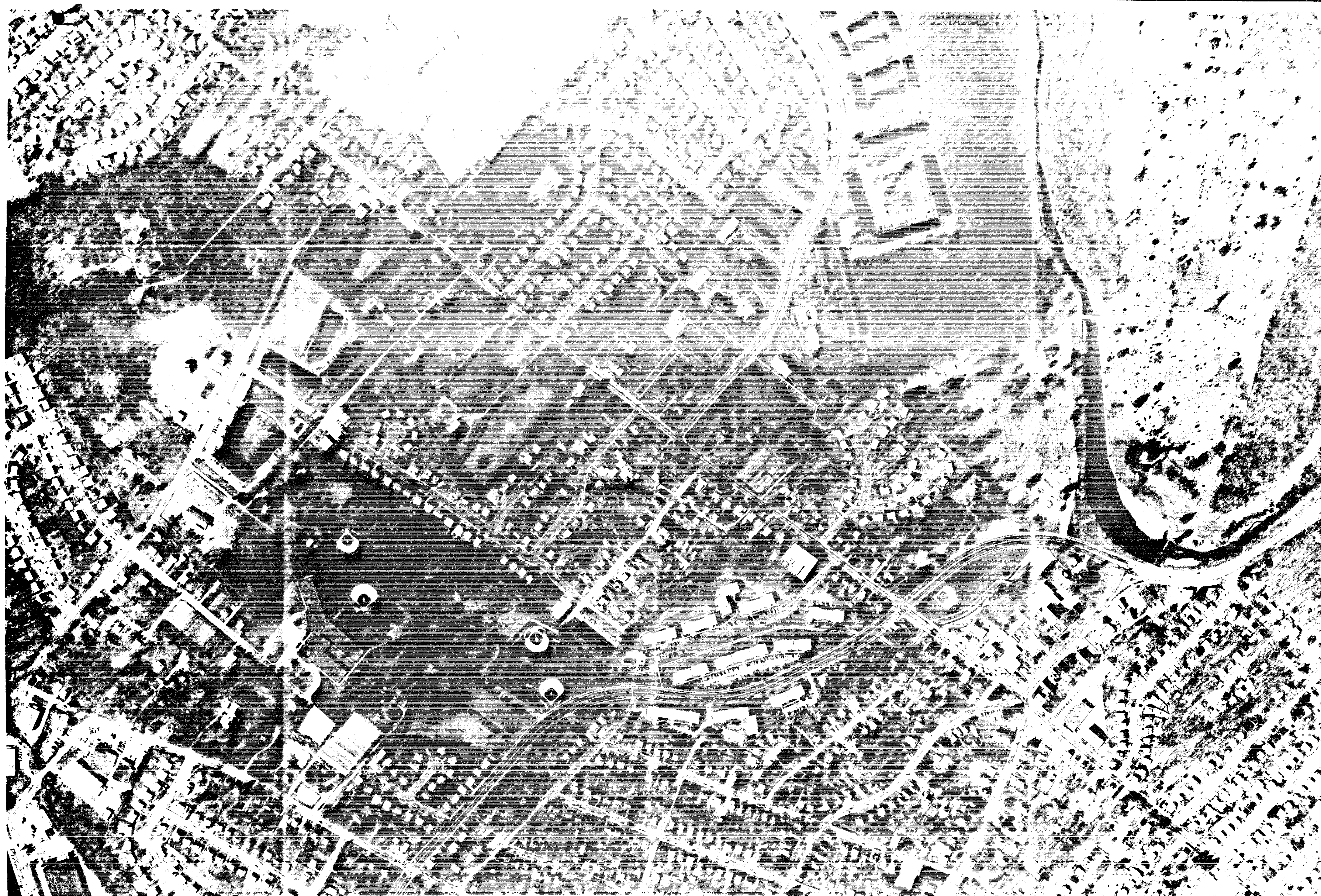
PRIOR ZONING HEARINGS: NO

REVIEWED BY:	ITEM NO:	CASE NO:
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**PETITIONER'S
EXHIBIT 1**

93-401-A

93-401-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE
1" = 200' ±

LOCATION

WOODLAWN

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1966

N.W.
3-F

MICROFILM